

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

UNITED STATES OF AMERICA

V.

ATUL NANDA (01),  
JITEN “JAY” NANDA (02),  
SIVA SUGAVANAM (03),  
VIVEK SHARMA (04),  
ROHIT MEHRA (05),  
MOHAMMAD KHAN (06),

Defendants.

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3:13-CR-065-M

## **SECOND AMENDED TRIAL SETTING ORDER**

The May 13, 2013 trial setting as to Defendants Atul Nanda (01), Jiten “Jay” Nanda (02), Siva Sugavanam (03), Rohit Mehra (05), and Mohammad Khan (06), is hereby **VACATED**. This case is rescheduled for jury trial on **Monday, June 3, 2013, at 9:00 a.m.**, due to the recent arraignment of co-defendant Vivek Sharma (04). A final pretrial conference is set for **Monday, June 3, 2013, at 8:30 a.m.**, prior to the commencement of trial. Defendant Vivek Sharma (04) shall abide by this Second Amended Trial Setting Order.

Due to the recent arraignment of co-Defendant VIVEK SHARMA (04), on March 28, 2013, the Court finds that the trial date of Defendants ATUL NANDA (01), JITEN “JAY” NANDA (02), SIVA SUGAVANAM (03), ROHIT MEHRA (05), and MOHAMMAD KHAN (06) should be extended beyond the Speedy Trial Act deadline. Specifically, the Court finds the ends of justice served by such an extension outweigh the best interests of the public and the defendants in a speedy trial. Conducting one trial for all named defendants in the Indictment, filed February 20, 2013, preserves judicial and prosecutorial resources in the interest of judicial economy. See 18 U.S.C. § 3161(h)(6); 3161(h)(7)(A).

Defendants' pretrial motions, if any, shall be filed by **April 15, 2013**, and the Government's responses thereto, by **April 22, 2013**.

If any defendant desires to move for a continuance of the trial setting, that defendant must diligently attempt to confer and obtain the agreement of all other parties, including co-defendants. The Court will not allow a continuance to be used to effectuate a severance. If a severance is desired, a motion for severance must be filed. Severance motions are not generally favored.

**Initial Designation of Experts:** Unless otherwise stipulated or directed by Order, any party with the burden of proof on an issue shall file a written designation of the name and address of each **expert witness** who will testify at trial on such issue(s) and otherwise comply with Rule 16(a)(1)(G), Fed. R. Crim. P., on or before **May 6, 2013**.

**Responsive Designation of Experts:** Any party without the burden of proof on an issue but who wishes to utilize an expert witness shall file a written designation of the name and address of each **expert witness** who will testify at trial for that party on such issue(s) and shall otherwise comply with Rule 16(a)(1)(G) on or before **May 13, 2013**.

**Objections to Experts:** Objections to the qualifications or competency of experts, sometimes referred to as Daubert motions, must be made in a written motion filed no later than **May 20, 2013**.

Requested voir dire questions, proposed jury instructions, witness lists (with witnesses designated as “custodial”, “expert”, or “fact”, as well as “probable” or “possible”), exhibit lists (with copies of exhibits furnished to the Court and opposing parties), and motions in limine must be filed no later than **May 28, 2013**. The list of exhibits shall describe the documents or items in numbered sequence. The documents or items to be offered as exhibits shall be numbered by attachment of gummed labels to correspond with the sequence on the exhibit list. In addition, counsel, or any party proceeding pro se, intending to offer exhibits shall **exchange a set** of marked exhibits with opposing counsel, or any party proceeding pro se, and shall **deliver a set of marked exhibits to the Court’s chambers** (except large or voluminous items that cannot be easily reproduced). Exhibits are to be placed in three-ring binders, including numbered tabs, and each binder is to be labeled with the style of the case, case

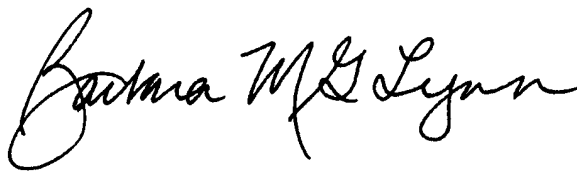
number, name of the party, and volume number of the binder. **Do not use letter suffixes to identify exhibits (e.g., designate them as 1, 2, 3, not as 1A, 1B, 1C).** A copy of the exhibit list must be furnished to the court reporter **prior** to trial. Counsel for the parties, or any party proceeding pro se, shall be prepared to submit to the jury, to accompany all exhibits that have been admitted, an index of such exhibits, with neutral descriptions of the exhibits, including where possible the author and date of each.

All counsel are directed to advise the Court at least four (4) days before trial, if a plea agreement has been reached. If such an agreement has been reached, except in unusual circumstances where such cannot reasonably be done, counsel are to furnish an executed copy to the Court at least three (3) days before trial.

Counsel should be mindful that a last-minute trial cancellation inconveniences all the citizens who have come to serve as jurors and wastes taxpayer money. To avoid such a cancellation, counsel should complete plea negotiations prior to the date scheduled for trial. Additionally, counsel for each defendant should ensure that the defendant has appropriate court attire to wear on the day of trial.

SO ORDERED.

DATED: March 29, 2013.

A handwritten signature in black ink, reading "Barbara M. G. Lynn". The signature is fluid and cursive, with the first name "Barbara" being the most prominent part.

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BARBARA M. G. LYNN  
UNITED STATES DISTRICT JUDGE  
NORTHERN DISTRICT OF TEXAS